

STATE OF WASHINGTON  
GAMBLING COMMISSION

In the Matter of the Revocation of the	)	
Certification to Conduct Gambling Activities of:	)	NO. CR 2010-00101
	)	
Alberta Youckton	)	<b>FINDINGS, CONCLUSIONS,</b>
Olympia, Washington,	)	<b>DECISION, AND FINAL</b>
	)	<b>ORDER IN DEFAULT</b>
Class III Employee.	)	

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THE MATTER of the revocation of the certification to conduct gambling activities of Alberta Youckton having come before the Commission on May 14, 2010, the State being represented by Jerry Ackerman, Senior Counsel, Office of the Attorney General, the Commission makes the following Findings of Fact, Conclusions of Law, and issues the following Decision and Order:

**FINDINGS OF FACT**

I.

The Washington State Gambling Commission issued Alberta Youckton the following Class III Employee certification: <sup>1</sup>

Number 69-12052, Authorizing Class III Employee Activity, formerly for the Nisqually Tribe.

The certification expires on September 27, 2010, and was issued subject to the certified employee's compliance with state gambling laws, rules, and the Nisqually Tribal-State Compact.

II.

On February 26, 2010, Director Rick Day issued administrative charges to Alberta Youckton, by certified and regular mail. The administrative charges notified Ms. Youckton that failure to respond would result in the entry of a default order revoking her certification.

Because Ms. Youckton did not respond to the charges, she waived her right to a hearing on such charges and pursuant to RCW 34.05.440, this final order may be entered in default.

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<sup>1</sup> Class III Employee certification is issued to employees working at tribal Casinos. The certification authorizes similar activities as the Card Room Employee (CRE) license issued to individuals working at commercial house-banked card rooms. By submitting a transfer form and fees, holders of a Class III Certification may convert their certification to a CRE license.

### III.

- 1) On November 30, 2009, the certified employee was granted a conditional certification<sup>2</sup> due to her criminal history, which included a 1985 Vehicular Homicide conviction.
- 2) As of December 20, 2009, Ms. Youckton was no longer employed by the Nisqually Tribe.
- 3) The Class III Employee's Vehicular Homicide conviction establishes that she has failed to prove by clear and convincing evidence the necessary qualifications for certification under RCW 9.46.153(1).
- 4) Therefore, under the Nisqually Tribal-State Compact V(C), RCW 9.46.075(1), (4), and (8), and WAC 230-03-085(1) and (2), grounds exist to revoke Alberta Youckton's Class III Employee certification.

**Nisqually Tribal-State Compact Section V(C)** provides that the State Gaming Agency<sup>3</sup> may revoke or suspend a State certification under the provisions of RCW 9.46.075, and rules promulgated there under, or for any reason or reasons it deems to be in the public interest.

#### **RCW 9.46.075 Suspending or revoking license or permit**

The Commission may deny an application, or suspend or revoke any license or permit issued by it, for any reason or reasons, it deems to be in the public interest. These reasons shall include, but not be limited to, cases wherein the applicant or licensee, or any person with any interest therein: (The following subsections apply.)

- (1) Has violated, failed or refused to comply with the provisions, requirements, conditions, limitations or duties imposed by chapter 9.46 RCW and any amendments thereto, or any rules adopted by the Commission pursuant thereto, or when a violation of any provision of chapter 9.46 RCW, or any Commission rule, has occurred upon any premises occupied or operated by any such person or over which he or she has substantial control.
- (4) Has been convicted of, or forfeited bond upon a charge of, or pleaded guilty to, forgery, larceny, extortion, conspiracy to defraud, wilful failure to make required payments or reports to a governmental agency at any level, or filing false reports therewith, or of any similar offense or offenses, or of bribing or otherwise unlawfully influencing a public official or employee of any state or the United States, or of any crime, whether a felony or misdemeanor involving any gambling activity or physical harm to individuals or involving moral turpitude;
- (8) Fails to prove, by clear and convincing evidence, that she is qualified in accordance with the provisions of this chapter.

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<sup>2</sup> Section V(C)(5) of the Tribal-State Compact provides that enrolled Nisqually tribal members who do not qualify for a certification may be granted one with specific conditions.

<sup>3</sup> Washington State Gambling Commission, as referred to in the Nisqually Tribal-State Compact, Section II(U).

**WAC 230-03-085 Suspending or revoking license or permit**

We may deny, suspend, or revoke any application, license or permit, when the applicant, licensee, or anyone holding a substantial interest in the applicant's or licensee's business or organization:

(The following subsections apply.)

(1) Commits any act that constitutes grounds for denying, suspending, or revoking licenses or permits under RCW 9.46.075.

(2) Has been convicted of, or forfeited bond on a charge of, or pleaded guilty to a misdemeanor or felony crime involving physical harm to individuals. "Physical harm to individuals" includes any form of criminal assault, any crime involving a threat of physical harm against another person, or any crime involving an intention to inflict physical harm on another person.

**RCW 9.46.153 Applicants and licensees — Responsibilities and duties**

(The following subsection applies.)

(1) It shall be the affirmative responsibility of each applicant and licensee to establish by clear and convincing evidence the necessary qualifications for licensure of each person required to be qualified under this chapter, as well as the qualifications of the facility in which the licensed activity will be conducted.

IV.

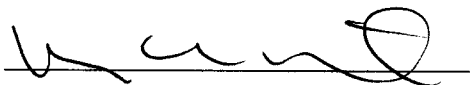
**CONCLUSIONS OF LAW**

The circumstances specified in the Findings of Facts in section III above constitute grounds for the revocation of Alberta Youckton's certification to conduct gambling activities under the authority of RCW 9.46.075 and WAC 230-03-085.

**DECISION AND ORDER**

The Washington State Gambling Commission HEREBY ORDERS: Alberta Youckton's Class III certification to conduct gambling activities is REVOKED.

DATED this 14<sup>th</sup> day of May, 2010.



KEVEN ROJECKI, Chair

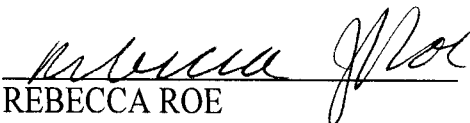


MIKE AMOS

JOHN ELLIS, Vice Chair



MICHAEL REICHERT



REBECCA ROE

**NOTICE:** RCW 34.05.440(3) provides that within seven (7) days after service of a default order the party against whom it was entered may file a written motion requesting that the order be vacated and stating the grounds relied upon.

Motions must be mailed to:

Washington State Gambling Commission  
Communications and Legal Division  
PO Box 42400  
Olympia, Washington 98504-2400

Or delivered in person or via private courier:

Washington State Gambling Commission  
Communications and Legal Division  
4565 7<sup>th</sup> Avenue SE  
Lacey, Washington 98503